

**CHAPTER NO. 210**

**SENATE BILL NO. 1132**

**By Cooper, Ketron, Ford, Burchett, Hagood, McLeary, Kilby, Burks**

**Substituted for: House Bill No. 2240**

**By Maddox, Pinion, Borchert, Bowers, Dunn, Armstrong, Tindell, Harry Brooks, Strader, Baird, Marrero,  
Larry Turner**

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 7, Part 1 and Title 68, Chapter 1, Part 9, relative to unlicensed individuals administering medication.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-1-904(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c) The department of finance and administration, division of mental retardation services, may, based upon its determination of available resources and need, provide training for unlicensed individuals who administer medications to individuals incapable of self-administration. The training shall be provided only to unlicensed individuals who are employed by agencies which are both licensed under Title 33 and under contract to provide residential or adult day programs for persons with mental retardation and to unlicensed individuals employed by community-based licensed intermediate care facilities for the mentally retarded who will administer medication only at a location other than the community-based facility. The employees of the community-based licensed intermediate care facilities for the mentally retarded will additionally receive medication administration training specific to the person served. For the purposes of this subsection, when administered by employees of such intermediate care facilities, medications shall be packaged in individual doses labeled with the name of the individual patient, the time of administration and the drug name and dosage.

Such unlicensed personnel shall not administer intravenous, intramuscular, and certain subcutaneous injectable medications as defined by rule. The department of finance and administration, division of mental retardation services, in consultation with the board of nursing, shall promulgate rules, including public necessity rules, to provide for competency-based training, education, and appropriate monitoring of the unlicensed personnel covered by this subsection who shall have the authority to perform the services provided for in this subsection, notwithstanding the provisions of any other statute or rule. Such unlicensed personnel shall be exempt from the licensing requirements contained in Tennessee Code Annotated, Title 63, Chapter 7, Part 1, and rules promulgated thereto.

SECTION 2. Tennessee Code Annotated, Section 63-7-102(10), is amended by deleting the existing language and substituting the following:

Persons trained in accordance with Tennessee Code Annotated, Section 68-1-904(c), who are employed by agencies which are both licensed under Title 33 and under contract to provide residential or adult day programs for persons with mental retardation and persons trained in accordance with Tennessee Code Annotated, Section 68-1-904(c), who are employed by community-based licensed intermediate care facilities for the mentally retarded who will administer medication only at a location other than the community-based facility. The employees of the community-based licensed intermediate care facilities for the mentally retarded will additionally receive medication administration training specific to the person served. For the purposes of this subdivision, when administered by employees of such intermediate care facilities, medications shall be packaged in individual doses labeled with the name of the individual patient, the time of administration and the drug name and dosage.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 9, 2005

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 24<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR